

SENATE FINANCE COMMITTEE SUBSTITUTE FOR  
SENATE BILL 414

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO ANIMALS; ENACTING THE ANIMAL SHELTERING SERVICES  
ACT; CREATING LICENSING PROCEDURES FOR EUTHANASIA PROVIDERS AND  
EUTHANASIA AGENCIES; CREATING CERTIFICATION PROCEDURES FOR  
EUTHANASIA INSTRUCTORS; PROMOTING SAFE AND HUMANE CONDITIONS  
FOR ANIMALS IN ANIMAL SHELTERS; CREATING A FUND; CREATING A  
BOARD; PROVIDING BOARD POWERS AND DUTIES; PROVIDING FOR  
EXEMPTIONS; PROVIDING PENALTIES; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the  
"Animal Sheltering Services Act".

Section 2. PURPOSE. -- The purpose of the Animal Sheltering  
Services Act is to promote safe, healthy and clean living  
conditions for animals housed in animal shelters, to license  
euthanasia providers and euthanasia agencies and to certify

1 euthanasia instructors.

2 Section 3. DEFINITIONS.--As used in the Animal Sheltering  
3 Services Act:

4 A. "animal" means any animal, except man, not  
5 defined as "livestock" in Subsection L of this section;

6 B. "animal shelter":

7 (1) means:

8 (a) a county or municipal facility that  
9 provides shelter to animals on a regular basis, including a dog  
10 pound; and

11 (b) a private humane society or a  
12 private animal shelter that temporarily houses stray, unwanted  
13 or injured animals through administrative or contractual  
14 arrangements with a local government agency; and

15 (2) does not include a municipal zoological  
16 park;

17 C. "board" means the animal sheltering services  
18 board;

19 D. "department" means the regulation and licensing  
20 department;

21 E. "disposition" means adoption of an animal;  
22 return of an animal to the owner; release of an animal to a  
23 rescue group; release of an animal to another animal shelter  
24 licensed pursuant to the Animal Sheltering Services Act or to a  
25 rehabilitator licensed by the department of game and fish or

1 the United States fish and wildlife service; or euthanasia of  
2 an animal;

3 F. "emergency field euthanasia" means the process  
4 defined by rule of the board to cause the death of an animal in  
5 an emergency situation when safe and humane transport of the  
6 animal is not possible;

7 G. "euthanasia" means to produce a humane death of  
8 an animal by American veterinary medical association techniques  
9 and as set forth in rules of the board;

10 H. "euthanasia agency" means a facility that  
11 provides shelter to animals on a regular basis, including a dog  
12 pound, a humane society or a public or private shelter facility  
13 that temporarily houses stray, unwanted or injured animals, and  
14 that performs euthanasia;

15 I. "euthanasia drugs" means non-narcotic schedule  
16 II or schedule III substances and chemicals as set forth in the  
17 Controlled Substances Act that are used for the purposes of  
18 euthanasia and pre-euthanasia of animals;

19 J. "euthanasia instructor" means a euthanasia  
20 provider licensed and certified by the board to instruct other  
21 individuals in euthanasia techniques;

22 K. "euthanasia provider" means a person licensed by  
23 the board to administer euthanasia drugs to euthanize animals  
24 for a euthanasia agency;

25 L. "livestock" means all domestic or domesticated

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1 animals that are used or raised on a farm or ranch and exotic  
2 animals in captivity and includes horses, asses, mules, cattle,  
3 sheep, goats, swine, bison, poultry, ostriches, emus, rheas,  
4 camelids and farmed cervidae but does not include canine or  
5 feline animals;

6 M "rescue organization" means an organization that  
7 rescues animals and is not involved in the breeding of animals;

8 N. "supervising veterinarian" means a person who is  
9 a veterinarian, who holds both a valid New Mexico controlled  
10 substance license and a valid federal drug enforcement agency  
11 license and who approves the drug protocols and the procurement  
12 and administration of all pharmaceuticals; and

13 O. "veterinarian" means a person who is licensed as  
14 a doctor of veterinary medicine by the board of veterinary  
15 medicine pursuant to the Veterinary Practice Act.

16 Section 4. BOARD CREATED-- MEMBERS-- QUALIFICATIONS--  
17 TERMS-- VACANCIES-- REMOVAL. --

18 A. The "animal sheltering services board" is  
19 created. The board shall consist of nine members as follows:

20 (1) one animal shelter employee with training  
21 and education in euthanasia;

22 (2) one licensed veterinarian who has provided  
23 paid or unpaid services to an animal shelter;

24 (3) one representative from a nonprofit animal  
25 advocacy group;

- 1 (4) one member of the public;
- 2 (5) an employee of the animal shelter
- 3 industry;
- 4 (6) one representative of the New Mexico
- 5 association of counties;
- 6 (7) one representative of the New Mexico
- 7 municipal league;
- 8 (8) one member of a rescue organization; and
- 9 (9) one member of an all-breed kennel club.

10 B. No more than two board members shall be  
11 appointed from any one county within the state. Appointments  
12 shall be made in such manner that the terms of no more than two  
13 board members expire on July 1 of each year.

14 C. The board is administratively attached to the  
15 department.

16 D. The board and its operations are governed by the  
17 Uniform Licensing Act. If the provisions of the Uniform  
18 Licensing Act conflict with the provisions of the Animal  
19 Sheltering Services Act, the provisions of the Animal  
20 Sheltering Services Act shall prevail.

21 E. The governor shall appoint board members for  
22 terms of four years, except in the first year of the enactment  
23 of the Animal Sheltering Services Act, when board members shall  
24 be appointed for staggered terms. Of the first appointments,  
25 three board members shall be appointed for four-year terms, two

1 board members shall be appointed for three-year terms, two  
2 board members shall be appointed for two-year terms and two  
3 board members shall be appointed for one-year terms.  
4 Subsequent appointments shall be made to fill vacancies created  
5 in unexpired terms, but only until the term ends or for a full  
6 four-year term when the term of a board member expires. Board  
7 members shall hold office until their successors are duly  
8 qualified and appointed. Vacancies shall be filled by  
9 appointment by the governor for the unexpired term within sixty  
10 days of the vacancy to maintain the required composition of the  
11 board.

12 F. Members of the board shall be reimbursed for per  
13 diem and mileage as provided in the Per Diem and Mileage Act  
14 and shall receive no other compensation, perquisite or  
15 allowance, but shall be permitted to attend at least one  
16 conference or seminar per year relevant to their board position  
17 as the board's budget will allow.

18 G. A simple majority of the appointed board members  
19 constitutes a quorum.

20 H. The board shall hold at least six regular  
21 meetings each year and may meet at such other times as it deems  
22 necessary.

23 I. A board member shall not serve more than two  
24 full or partial terms, consecutive or otherwise.

25 J. A board member failing to attend three duly

1 noticed meetings, regular or special, within a twelve-month  
2 period, without an excuse acceptable to the board, may be  
3 removed as a board member.

4 K. The board shall elect a chair and other officers  
5 as it deems necessary to administer its duties.

6 L. The department shall employ three employees at  
7 minimum to execute the daily operations of the board. One  
8 employee shall be a veterinarian who holds both a valid New  
9 Mexico controlled substance license and a valid federal drug  
10 enforcement agency license, and who will order, maintain and  
11 dispense euthanasia drugs in accordance with local, state and  
12 federal laws.

13 Section 5. FUND CREATED--ADMINISTRATION.--

14 A. The "animal care and facility fund" is created  
15 in the state treasury.

16 B. The animal care and facility fund shall consist  
17 of money collected by the board pursuant to the Animal  
18 Sheltering Services Act; income from investment of the fund;  
19 and money appropriated to the fund or accruing to it through  
20 fees, cooperative research agreements, income, gifts, grants,  
21 donations, bequests, sales of promotional items, handbooks or  
22 educational materials or any other source. Money in the fund  
23 shall not be transferred to another fund or encumbered or  
24 expended except for expenditures authorized pursuant to the  
25 Animal Sheltering Services Act.

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1           C. Money in the fund is appropriated to the  
2 department to be used to help animal shelters defray the cost  
3 of implementing the board's initiatives conducted pursuant to  
4 the Animal Sheltering Services Act. The fund shall be  
5 administered by the department to carry out the purposes of the  
6 Animal Sheltering Services Act.

7           D. Disbursements from the fund shall be made only  
8 upon warrant drawn by the secretary of finance and  
9 administration pursuant to vouchers signed by the  
10 superintendent of regulation and licensing or the  
11 superintendent's designee.

12           E. Unexpended and unencumbered balances in the fund  
13 at the end of a fiscal year shall not revert to the general  
14 fund.

15           Section 6. BOARD POWERS AND DUTIES. --

16           A. The board shall:

17                   (1) provide board-recommended standards  
18 regarding the infrastructure for all animal shelters;

19                   (2) provide board-recommended operating  
20 standards for all animal shelters;

21                   (3) adopt procedures for determining when  
22 emergency field euthanasia shall apply;

23                   (4) adopt, promulgate and revise rules  
24 necessary to carry out the provisions of the Animal Sheltering  
25 Services Act;

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1 (5) have authority to issue licenses and  
2 certificates pursuant to the Animal Sheltering Services Act;

3 (6) establish the types of licenses and  
4 certificates that may be issued pursuant to the Animal  
5 Sheltering Services Act and establish criteria for issuing the  
6 licenses and certificates;

7 (7) prescribe standards and approve curricula  
8 for educational programs that will be used to train and prepare  
9 persons for licensure or certification pursuant to the Animal  
10 Sheltering Services Act;

11 (8) implement continuing education  
12 requirements for licensees and certificate holders pursuant to  
13 the Animal Sheltering Services Act;

14 (9) conduct administrative hearings upon  
15 charges relating to violations of provisions of the Animal  
16 Sheltering Services Act or rules adopted pursuant to that act  
17 in accordance with the Uniform Licensing Act;

18 (10) provide for all examinations and for  
19 issuance and renewal of licenses and certificates;

20 (11) establish fees not to exceed one hundred  
21 fifty dollars (\$150) for licenses and certificates pursuant to  
22 the Animal Sheltering Services Act;

23 (12) establish committees as the board deems  
24 necessary to effect the provisions of the Animal Sheltering  
25 Services Act;

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1 (13) apply for injunctive relief to enforce  
2 the provisions of the Animal Sheltering Services Act;

3 (14) conduct national criminal background  
4 checks on applicants seeking licensure or certification under  
5 the Animal Sheltering Services Act;

6 (15) keep a record of all proceedings;

7 (16) make an annual report to the governor;

8 (17) provide for the inspection of animal  
9 shelters and euthanasia agencies;

10 (18) develop mechanisms to address complaints  
11 of misconduct at animal shelters and euthanasia agencies and  
12 noncompliance with the provisions of the Animal Sheltering  
13 Services Act or rules adopted pursuant to that act;

14 (19) develop mechanisms to address complaints  
15 of licensee and certificate holder misconduct and  
16 noncompliance;

17 (20) develop comprehensive dog and cat  
18 sterilization plans and community outreach plans for animal  
19 shelters and euthanasia agencies;

20 (21) disburse money from the animal care and  
21 facility fund; and

22 (22) provide board-recommended standards for  
23 maintaining records concerning health care and disposition of  
24 animals.

25 B. A legal proceeding or other action for damages

1 shall not be instituted against the board or a board member or  
2 board employee for any act performed in good faith while  
3 carrying out the powers and duties granted pursuant to the  
4 Animal Sheltering Services Act.

5 Section 7. EUTHANASIA PROVIDER-- LICENSE. --

6 A. The board shall have authority to license  
7 euthanasia providers.

8 B. A person, other than a veterinarian licensed to  
9 practice in New Mexico, who engages in euthanasia for a  
10 euthanasia agency in this state shall be licensed by the board.

11 C. Applicants for licensure by examination as a  
12 euthanasia provider shall be required to pass a euthanasia  
13 provider examination administered by the board and shall be  
14 required to complete a training course approved by the board in  
15 euthanasia practices.

16 D. The board shall adopt rules to provide for  
17 interim placements for euthanasia agencies that have no  
18 permanent employees who are euthanasia providers.

19 E. A person licensed to practice as a euthanasia  
20 provider shall:

21 (1) have passed the examination to qualify as  
22 a euthanasia provider;

23 (2) hold a certificate of completion in a  
24 training course in euthanasia issued within one year of the  
25 date that the euthanasia provider examination is successfully

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1 completed;

2 (3) have attained an age of at least eighteen  
3 years;

4 (4) not be guilty of fraud or deceit in  
5 procuring or attempting to procure a license;

6 (5) not be intemperate or addicted to the use  
7 of habit-forming drugs;

8 (6) not be guilty of unprofessional conduct;

9 (7) pay the required fee; and

10 (8) comply with all other requirements  
11 established by the board.

12 F. The board may issue a license to practice as a  
13 euthanasia provider without examination or a certificate of  
14 completion in a training course in euthanasia to a  
15 veterinarian.

16 G. The board may issue a license to practice as a  
17 euthanasia provider without examination to an applicant who  
18 meets the qualifications required for euthanasia providers in  
19 this state as set forth in Paragraphs (3) through (8) of  
20 Subsection E of this section. The application for a license as  
21 a euthanasia provider shall be accompanied by proof of  
22 completion of training in euthanasia practices, as approved by  
23 the board.

24 H. A person whose euthanasia provider license  
25 expires while the person is on active duty with a branch of the

1 armed forces of the United States, called into service or  
2 training with the state militia or in training or education  
3 under the supervision of the United States government prior to  
4 induction into military service may have the license restored  
5 without paying renewal fees, if within two years after the  
6 termination of that service, training or education, except  
7 under conditions other than honorable, the board is furnished  
8 with satisfactory evidence that the person had been engaged in  
9 the service, training or education.

10 Section 8. EUTHANASIA INSTRUCTORS--CERTIFICATION. --

11 A. The board shall have authority over the  
12 certification of euthanasia instructors.

13 B. A person certified to practice as a euthanasia  
14 instructor shall:

15 (1) have passed the examination administered  
16 by the board to qualify as a euthanasia instructor;

17 (2) have completed instructor training in  
18 euthanasia practices, as defined by the board, within one year  
19 preceding the date the application for certification is  
20 submitted;

21 (3) have participated in the euthanasia of  
22 animals for a minimum of three years preceding the date of  
23 application;

24 (4) not have been found guilty of fraud or  
25 deceit in procuring or attempting to procure any type of

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1 certification;

2 (5) not be intemperate or addicted to the use  
3 of habit-forming drugs;

4 (6) not have been found guilty of  
5 unprofessional conduct; and

6 (7) pay the required fee.

7 C. The board may certify an applicant as a  
8 euthanasia instructor without an examination if the applicant  
9 has been certified or licensed under the laws of another state  
10 and the applicant meets the qualifications set forth in  
11 Paragraphs (3) through (7) of Subsection B of this section.  
12 The application for certification shall be accompanied by proof  
13 of completion of instructor training in euthanasia practices,  
14 as approved by the board.

15 D. A person whose euthanasia instructor  
16 certification expires while on active duty with the armed  
17 forces of the United States, called into service or training  
18 with the state militia or in training or education under the  
19 supervision of the United States government prior to induction  
20 into military service may have the certification restored  
21 without paying renewal fees, if within two years after the  
22 termination of that service, training or education, except  
23 under conditions other than honorable, the board is furnished  
24 with satisfactory evidence that the person has been engaged in  
25 such service, training or education.

1           Section 9.   EUTHANASIA AGENCIES--INSPECTIONS--  
2   EXEMPTIONS.--

3           A.   The board shall have authority over the  
4   licensing of euthanasia agencies.  All euthanasia agencies  
5   shall be licensed by the board for euthanasia to be performed  
6   for that agency.

7           B.   The board shall adopt rules governing the  
8   procedures for administering euthanasia.

9           C.   The board shall establish rules for inspecting a  
10   facility holding or claiming to hold a license as a euthanasia  
11   agency in this state.

12           D.   The board shall establish policies and  
13   procedures for record keeping and for securing, using and  
14   disposing of euthanasia drugs in accordance with requirements  
15   of the Controlled Substances Act, the federal Drug Enforcement  
16   Agency Controlled Substances Act and the rules of the board of  
17   pharmacy.

18           E.   Euthanasia agencies shall have on staff or under  
19   contract a supervising veterinarian and a consulting pharmacist  
20   as that position is defined in the Pharmacy Act.

21           F.   A supervising veterinarian is not required to be  
22   on the premises of a euthanasia agency when euthanasia is  
23   performed.

24           G.   Nothing in the Animal Sheltering Services Act  
25   shall be construed as allowing a licensed euthanasia provider

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1 or a certified euthanasia instructor to engage in the practice  
2 of veterinary medicine when performing the duties set forth in  
3 that act.

4 H. Nothing in the Animal Sheltering Services Act  
5 shall be construed as preventing a certified euthanasia  
6 instructor from humanely euthanizing animals during a board-  
7 approved course on euthanasia instruction.

8 I. Nothing in the Animal Sheltering Services Act  
9 affects wildlife rehabilitators working under the auspices of  
10 the department of game and fish.

11 J. A veterinary clinic serving as a euthanasia  
12 agency pursuant to a contract with a local government is exempt  
13 from the provisions of the Animal Sheltering Services Act;  
14 provided that the veterinary clinic is subject to provisions of  
15 the Veterinary Practice Act.

16 K. A municipal facility that is a zoological park  
17 is exempt from the provisions of the Animal Sheltering Services  
18 Act.

19 Section 10. LIABILITY--IMMUNITY. --

20 A. A certified euthanasia instructor who provides  
21 euthanasia instruction in courses approved by the board is not  
22 liable for the misuse of euthanasia drugs or malpractice  
23 committed by a student or former student of the euthanasia  
24 instructor.

25 B. A veterinarian who in good faith administers or

1 supervises the administering of euthanasia drugs in accordance  
 2 with the Animal Sheltering Services Act and rules adopted  
 3 pursuant to that act shall have immunity from civil or criminal  
 4 liability that may result from administering or supervising the  
 5 administering of euthanasia drugs; provided that the liability  
 6 does not arise from violations of the Veterinary Practice Act  
 7 or other licensing act to which the veterinarian is subject or  
 8 from criminal offenses for which the veterinarian has been  
 9 found guilty.

10 C. A person filing a complaint with the board for  
 11 actions in violation of the Animal Sheltering Services Act  
 12 shall be immune from legal liability arising out of civil  
 13 action pertaining to the complaint, if the complaint was filed  
 14 in good faith and without actual malice.

15 Section 11. VIOLATIONS. --

16 A. Unless otherwise provided in the Animal  
 17 Sheltering Services Act, it is a violation of that act for a  
 18 person to:

19 (1) perform euthanasia for a euthanasia agency  
 20 or an animal shelter in this state without possessing a valid  
 21 license pursuant to the Animal Sheltering Services Act;

22 (2) solicit, advertise or offer to perform an  
 23 act for which licensure or certification is required, unless  
 24 the person holds a license or certification;

25 (3) refuse to comply with a cease and desist

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1 order issued by the board;

2 (4) refuse or fail to comply with the  
3 provisions of the Animal Sheltering Services Act;

4 (5) make a material misstatement in an  
5 application for licensure or certification;

6 (6) intentionally make a material misstatement  
7 to the department during an official investigation;

8 (7) impersonate an official or inspector;

9 (8) refuse or fail to comply with rules  
10 adopted by the board or with a lawful order issued by the  
11 board;

12 (9) aid or abet another in violating  
13 provisions of the Animal Sheltering Services Act, or a rule  
14 adopted by the board;

15 (10) alter or falsify a certificate of  
16 inspection, license or certification issued by the board;

17 (11) fail to carry out the duties of a  
18 euthanasia provider in a professional manner;

19 (12) abuse the use of a chemical substance or  
20 be guilty of habitual or excessive use of intoxicants or drugs;

21 (13) sell or give chemical substances used in  
22 euthanasia procedures to an unlicensed person; and

23 (14) assist an unlicensed or unauthorized  
24 person in euthanizing animals, except during a board-approved  
25 course in euthanasia.

1           B. It is a violation of the Animal Sheltering  
2 Services Act for a euthanasia agency or an animal shelter to:

3                   (1) refuse to permit entry or inspection of  
4 its facilities by the board or its designees;

5                   (2) sell, offer for sale, barter, exchange or  
6 otherwise transfer animals that are prohibited by the  
7 department of game and fish, the United States department of  
8 agriculture or any other regulatory agency to be kept unless  
9 the sale, offer for sale, bartering, exchanging or transferring  
10 of the animal is to a facility employing permitted  
11 rehabilitators or an individual that is a permitted  
12 rehabilitator pursuant to the rules adopted by the department  
13 of game and fish or another agency that has authority over  
14 people who are permitted to receive and provide care for such  
15 animals;

16                   (3) allow a license or certificate issued  
17 pursuant to the Animal Sheltering Services Act to be used by an  
18 unlicensed or uncertified person; or

19                   (4) make a misrepresentation or false promise  
20 through advertisements, employees, agents or other mechanisms  
21 in connection with the euthanasia of an animal.

22           C. It is a violation of the Animal Sheltering  
23 Services Act for an employee or official of the board or a  
24 person in the department to disclose or use for that person's  
25 own advantage information derived from reports or records

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1 submitted to the department or the board pursuant to that act.

2 Section 12. ENFORCEMENT AND INJUNCTIONS. --

3 A. The board or the board's designees shall enforce  
4 the provisions of the Animal Sheltering Services Act.

5 B. Whenever the board has reasonable cause to  
6 believe a violation of a provision of the Animal Sheltering  
7 Services Act or a rule adopted pursuant to that act has  
8 occurred and immediate enforcement is deemed necessary, the  
9 board may issue a cease and desist order to require a person to  
10 cease violations. At any time after service of the order to  
11 cease and desist, the person may request a prompt hearing to  
12 determine whether a violation occurred. If a person fails to  
13 comply with a cease and desist order within twenty-four hours,  
14 the board may bring a suit for a temporary restraining order  
15 and for injunctive relief to prevent further violations.

16 C. Whenever the board possesses evidence that  
17 indicates a person has engaged in or intends to engage in an  
18 act or practice constituting a violation of the Animal  
19 Sheltering Services Act or a rule adopted pursuant to that act,  
20 the board may seek to temporarily or permanently restrain or  
21 enjoin the act or practice. The board shall not be required to  
22 post a bond when seeking a temporary or permanent injunction.

23 Section 13. DISCIPLINARY ACTIONS-- EUTHANASIA PROVIDERS,  
24 EUTHANASIA AGENCIES AND EUTHANASIA INSTRUCTORS-- HEARINGS. --

25 A. The provisions of the Uniform Licensing Act

1 apply to all disciplinary procedures and hearings of the board.

2 B. The board may:

3 (1) deny, suspend, revoke, reprimand, place on  
4 probation or take other action against a license or certificate  
5 held or applied for pursuant to the Animal Sheltering Services  
6 Act, including imposing an administrative penalty, upon a  
7 finding by the board that the licensee, certificate holder or  
8 applicant has performed acts in violation of the Animal  
9 Sheltering Services Act or a rule adopted pursuant to that act;  
10 and

11 (2) impose an administrative penalty on a  
12 person misrepresenting himself to be a licensed euthanasia  
13 provider, a certified euthanasia instructor or a licensed  
14 euthanasia agency.

15 C. The board may issue letters of admonition or  
16 deny, suspend, refuse to renew, restrict or revoke a license or  
17 certification authorized pursuant to the Animal Sheltering  
18 Services Act if the applicant or licensee:

19 (1) has refused or failed to comply with a  
20 provision of the Animal Sheltering Services Act, a rule adopted  
21 pursuant to that act or an order of the board;

22 (2) is guilty of cruelty to animals pursuant  
23 to a statute of this state or another state;

24 (3) has had an equivalent license or  
25 certificate denied, revoked or suspended by an authority;

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1 (4) has refused to provide the board with  
2 reasonable, complete and accurate information regarding the  
3 care or euthanasia of animals when requested by the board;

4 (5) has falsified information requested by the  
5 board or the board's designee;

6 (6) has been convicted of a felony or other  
7 crime involving moral turpitude; or

8 (7) is intemperate or addicted to the use of  
9 habit-forming drugs.

10 D. In a proceeding held pursuant to this section,  
11 the board may accept as prima facie evidence of grounds for  
12 disciplinary action any disciplinary action taken against a  
13 licensee from another jurisdiction, if the violation that  
14 prompted the disciplinary action in that jurisdiction would be  
15 grounds for disciplinary action pursuant to this section.

16 E. Disciplinary proceedings may be instituted by a  
17 person by filing a complaint with the board. In addition, the  
18 board may institute disciplinary proceedings upon a vote of a  
19 majority of the board to do so. A party to a disciplinary  
20 hearing may obtain a copy of the hearing record upon payment of  
21 costs for the copy.

22 F. The board shall not initiate a disciplinary  
23 action more than two years after the date that it receives a  
24 complaint or that it begins an investigation without a filed  
25 complaint.

1           G. The board may administer oaths, take statements  
2 and compel disclosure by the witnesses of all facts known to  
3 them relative to matters under investigation.

4           H. The board may impose an administrative penalty  
5 in an amount not to exceed five hundred dollars (\$500) on a  
6 holder of a license or certificate for violations of the Animal  
7 Sheltering Services Act.

8           I. A person or euthanasia agency whose license or  
9 certificate is suspended or revoked by the board pursuant to  
10 the provisions of this section may, at the discretion of the  
11 board, obtain a license or certificate at any time without  
12 examination upon written application to the board showing cause  
13 to justify reinstatement or renewal of the license or  
14 certificate.

15           J. The board shall adopt other rules pertaining to  
16 hearings, appeals and rehearings as it deems necessary.

17           K. The board shall not be required to certify a  
18 record to the court of appeals of a decision of the board until  
19 the proper fee has been paid to the board for a copy and  
20 certification of the record.

21           L. A person engaging in acts without a license or  
22 certificate issued by the board is guilty of a misdemeanor.

23           M A person who practices, offers to practice,  
24 attempts to practice or holds himself out as a euthanasia  
25 provider, a euthanasia instructor or a licensed euthanasia

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1 agency without holding a license or certificate issued by the  
2 board shall, in addition to any other penalty provided in this  
3 section or any other law, pay an administrative penalty to the  
4 board in an amount not to exceed five hundred dollars (\$500)  
5 for each offense.

6 Section 14. TERMINATION OF AGENCY LIFE--DELAYED REPEAL. --

7 The animal sheltering services board is terminated on July 1,  
8 2009 pursuant to the Sunset Act. The board shall continue to  
9 operate according to the provisions of the Animal Sheltering  
10 Services Act until July 1, 2010. Effective July 1, 2010, the  
11 Animal Sheltering Services Act is repealed.

underscored material = new  
[bracketed material] = delete